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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ASSOCIATION OF IRRITATED  
RESIDENTS, an unincorporated association,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, LISA P.  
JACKSON, in her official capacity as  
Administrator of the United States  
Environmental Protection Agency, and  
LAURA YOSHII, in her official capacity as  
Acting Regional Administrator for Region IX  
of the United States Environmental Protection  
Agency,<sup>1/</sup>

Defendants.

Case No. 08-cv-05650 CW

**ORDER GRANTING AS MODIFIED  
STIPULATION TO EXTEND  
ANSWER DEADLINE AND TO  
CONTINUE INITIAL DISCOVERY,  
ADR REQUIREMENTS, AND CASE  
MANAGEMENT CONFERENCE**

<sup>1/</sup> Stephen L. Johnson and Wayne Nastri were previously named as defendants in their official capacities as Administrator and Regional Administrator, respectively, of the United States Environmental Protection Agency ("EPA"). Pursuant to Federal Rule of Civil Procedure 25(d), their successors, Lisa P. Jackson, Administrator of EPA, and Laura Yoshii, Acting Regional Administrator of EPA, are automatically substituted as defendants.

1 WHEREAS, on December 18, 2008, Plaintiff Association of Irrigated Residents filed the  
 2 complaint in the above-captioned matter against Defendants United States Environmental  
 3 Protection Agency; Lisa P. Jackson, in her official capacity as Administrator of the United States  
 4 Environmental Protection Agency; and Laura Yoshii, in her official capacity as Acting Regional  
 5 Administrator for Region IX of the United States Environmental Protection Agency  
 6 (collectively, "EPA"), alleging that EPA has failed to undertake certain nondiscretionary duties  
 7 under section 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2);

8 WHEREAS, Plaintiff and EPA seek to resolve this case through private settlement,  
 9 thereby reducing litigation expenses and preserving the Court's resources, and are currently  
 10 engaged in settlement discussions;

11 WHEREAS, any final settlement of this case must be approved by authorized officials at  
 12 the United States Department of Justice and EPA, a process that can take several weeks;

13 WHEREAS, at least 30 days before any final settlement of this matter can be entered,  
 14 EPA must provide notice of such settlement in the Federal Register and an opportunity for public  
 15 comment pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

16 WHEREAS, no previous requests for extensions of time or continuances have been filed  
 17 in this case, and the parties believe that the requested extension and continuances below will not  
 18 adversely affect the schedule of this case;

19 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through  
 20 their undersigned counsel, hereby stipulate to the following:

21 1. EPA's time for responding to Plaintiffs' complaint is extended by 90 days to May  
 22 18, 2009;

23 2. The parties' deadline to meet and confer regarding initial disclosures, early  
 24 settlement, ADR process selection and certification, and discovery planning is continued until  
 25 June 3, 2009;

26 3. The parties' deadline to file initial disclosures, a Case Management Statement,  
 27 and a Rule 26(f) Report is continued until June 17, 2009;

28 4. The initial case management conference is continued until June 29, 2009, or a

1 date thereafter set by the Court.

2  
3 **COUNSEL FOR PLAINTIFF:**

4 Dated: February 10, 2009

/s/ Brent Newell (with permission)  
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MARYBELLE NZEGWU  
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*Counsel for Plaintiff Association of Irrigated  
Residents*

11  
12 **COUNSEL FOR DEFENDANTS:**


13 Dated: February 10, 2009

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/s/ Rochelle L. Russell  
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23 **PURSUANT TO STIPULATION, IT IS SO ORDERED, EXCEPT THE CASE**  
24 **MANAGEMENT CONFERENCE IS CONTINUED TO JUNE 30, 2009, AT 2:00 P.M.**

25 Dated: 2/17/09

  
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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I certify that on February 10, 2009, a true and correct copy of the foregoing  
**STIPULATION TO EXTEND ANSWER DEADLINE AND TO CONTINUE INITIAL  
DISCOVERY, ADR REQUIREMENTS, AND CASE MANAGEMENT CONFERENCE**  
was served electronically via the Court's e-filing system to Counsel of Record.

/s/ Rochelle L. Russell  
ROCHELLE L. RUSSELL